



Intelligence Assessment Évaluation du renseignement

SECRET

CSIS IA 2016-17/34

2016 12 09

Construction of the Trans Mountain Expansion Project:

On November 29, 2016, the Government of Canada approved the Kinder Morgan owned Trans Mountain Expansion Project (the Project) which will expand the existing 1,150-kilometre pipeline between Strathcona County (near Edmonton), Alberta, and Burnaby, British Columbia.

Key Assessments

The Trans Mountain Expansion Project

The \$6.8 billion project will create a twinned pipeline increasing the nominal capacity of the system from 300,000 barrels of bitumen to 890,000 barrels per day.

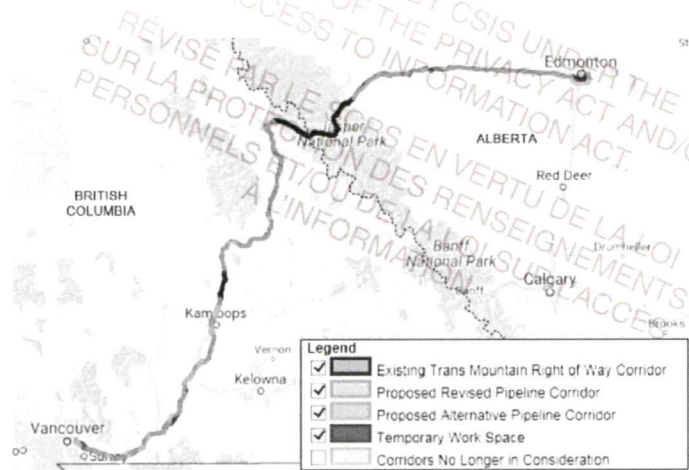
The Project will also include the construction of three new berths at the Westridge Marine Terminal and will result in a 14% increase in marine traffic in Port Metro Vancouver.

Construction on the Project could begin by the summer of 2017.

CSIS/SCRS

Context

1. Opposition to the Project is not new. In late 2014 (while it was still under review by the National Energy Board), over 100 people were arrested by the RCMP on Burnaby Mountain for attempting to prevent Kinder Morgan from conducting integrity digs along the existing pipeline route (see map at right).



Over the past year, there have been numerous peaceful demonstrations nation-wide in opposition to the Project as well as several attempts to block access to Kinder Morgan's Westridge Marine Terminal both on land and by water.

In September 2016, representatives from approximately 50 North American First Nations signed the "Treaty Alliance against Tar Sands" and committed to collectively "stop all five current tar sands pipeline and tanker project proposals."

The Crisis of Climate Change

"...there is no plan of action, policy or strategy being advanced now by any political leader, climate action group or environmental organization playing by the rules that does anything but acquiesce to ruin. Our only hope is to step outside polite conversation and put our bodies and ourselves in the way. We must shut it down, starting with the most immediate threats; oil sands fuels and coal."

Statement from the American co-founder of Climate Direct Action, a group dedicated to using direct action to stop pipeline activity. His views are shared by some in the broader environmental movement.

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Violent confrontations and resource development

Peaceful opposition to shale gas development escalated to violence between June and October 2013 near the Elsipogtog First Nation, New Brunswick, culminating with the RCMP enforcement of a provincial court injunction against the inhabitants of an encampment preventing a company from engaging in exploration work.

This confrontation resulted in multiple road blocks, equipment sabotage and over 100 arrests between June and December 2013 (See Annex A).

6. More recently, beginning in August 2016, widespread opposition to the Dakota Access Pipeline in North Dakota has coalesced around the Standing Rock Sioux Tribe (SRST), located near Bismarck, North Dakota (See Annex B). The SRST and its Indigenous and non-Indigenous supporters assert that the pipeline that would be constructed near their reservation will destroy their sacred sites and will threaten their water supply, which is drawn from the nearby Missouri River. Several violent confrontations between law enforcement and pipeline opponents have flared up since September resulting in hundreds of arrests and millions of dollars of damage to corporate equipment.

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ANNEX A

Violent confrontation over seismic testing (hydraulic fracturing) in New Brunswick

On October 17, 2013, violence erupted near the Elsipogtog First Nation, New Brunswick, when the RCMP enforced a provincial court injunction against an encampment of Indigenous and non-Indigenous individuals,

The camp, situated on Highway 134 (near the town of Rexton), had blocked the facility and equipment of the Canadian subsidiary of Southwestern Energy (SWN) (an American-owned shale gas exploration company) since September 29, 2013. SWN Resources Canada sought to conduct preliminary seismic testing to ascertain if hydraulic fracturing was feasible.

During the October 17 raid and subsequent arrests, Molotov cocktails were thrown at the RCMP and at least one shot was fired from the nearby woods. Shortly after the initial RCMP raid, approximately 300 predominantly local Indigenous and some non-Indigenous individuals confronted and subsequently broke the RCMP line resulting in additional arrests. In total, 40 people (predominantly Indigenous individuals) were arrested, and six RCMP vehicles were destroyed by fire. The RCMP also recovered three firearms, knives, unspent ammunition and small improvised explosive devices (IEDs) from the camp. RCMP Assistant Commissioner Brown subsequently stated that the IEDs “were akin to a Boston Marathon-type of bombing.”



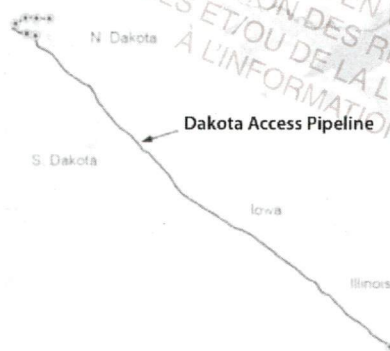
As a result of this opposition, multiple road blocks, equipment sabotage and over 100 arrests occurred between June and December 2013.

(excluding the estimated \$300,000 to replace the six RCMP vehicles), while the additional cost to law enforcement has reportedly surpassed \$4 million.

ANNEX B

The standoff at Standing Rock, North Dakota

Dakota Access, a subsidiary of American-owned Energy Transfer Crude Oil Company (Energy Transfer), is attempting to construct a 1,886-km-long pipeline (Dakota Access Pipeline [DAPL]) to transport approximately 570,000 barrels of crude oil per day from the Bakken/Three Forks play in North Dakota to Illinois. Construction of the \$3.8 billion project began in early 2016 and was scheduled to be completed late this year. The pipeline does not enter Canada.



The Standing Rock Sioux Tribe (SRST) and its Indigenous and non-Indigenous supporters assert that the pipeline, which would be constructed near their reservation, will destroy their sacred sites and will threaten their water supply, which is drawn from the nearby Missouri River. Moreover, the SRST filed an injunction in U.S. Federal Court in an attempt to stop construction of the pipeline, asserting that the project was inappropriately approved by the United States (US) Army Corps of Engineers (USCE). The Court ruled against the SRST on September 9, 2016, but the Justice Department, Interior Department and the USCE immediately ordered a pause on any construction under the Missouri River (land administered by the USCE) pending a reconsideration of the approval process. Energy Transfer recently filed their own injunction asking the courts to grant it immediate authority to complete the pipeline. In early December, the USCE indicated that they would not grant Energy Transfer the easement required to complete the pipeline. While happy with the decision, opponents do not see it as a permanent victory and have vowed to stay at the camp.

Open source information suggests that thousands of people have travelled to the SRST from across the US, Canada and around the world in order to show support.

Additionally, sabotage of
corporate equipment



including two National Guard trucks (see photo above),

Open source information indicates that the majority of camp attendees are not from the SRST and most of those arrested are not from North Dakota.

There have been numerous peaceful solidarity events in support of the camps in both the US and Canada.

The most significant action to date in solidarity with the SRST occurred in October 2016 when ten members of the American environmental group Climate Direct Action (CDA) illegally accessed five pipeline sites and engaged the manual safety valves to stop the flow of oil through four major pipelines from Canada into the US. As a result of these actions, open source reporting claimed that the affected pipelines were non-operational for up to seven hours as a safety measure.

All ten CDA members were arrested and face a range of charges, including criminal trespass, sabotage, burglary and criminal mischief.

Four of the CDA's actions targeted Canadian-owned pipelines: Enbridge (Lines 4 and 67), TransCanada (Keystone Pipeline) and Spectra Energy Partners (Express Pipeline).² Messaging from the CDA and other alternative media outlets highlight the need to prevent "dirty" Canadian oil from entering the US.

² American-owned Kinder Morgan was also targeted.

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INQUIRY OF MINISTRY DEMANDE DE RENSEIGNEMENT AU GOUVERNEMENT

PREPARE IN ENGLISH AND FRENCH MARKING "ORIGINAL TEXT" OR "TRANSLATION"
PRÉPARER EN ANGLAIS ET EN FRANÇAIS EN INDICANT "TEXTE ORIGINAL" OU "TRADUCTION"

QUESTION NO./NO DE LA QUESTION
Q-618

BY / DE
Mr. Angus (Timmins—James Bay)

DATE
November 21, 2016

Reply by the Minister of Public Safety and Emergency Preparedness
Réponse du Ministre de la Sécurité publique et de la Protection civile

The Honourable Ralph Goodale, P.C., M.P.

PRINT NAME OF SIGNATORY
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SIGNATURE
MINISTER OR PARLIAMENTARY SECRETARY
MINISTRE OU SECRÉTAIRE PARLEMENTAIRE

QUESTION

With regard to policing and surveillance activities related to journalists and Indigenous activists since October 31, 2015: (a) which security agencies or other government bodies have been involved in tracking Indigenous protest activities relating to (i) Idle No More, (ii) the National Inquiry into Missing and Murdered Indigenous Women and Girls or other Aboriginal public order events, (iii) the Trans Mountain Expansion Project, (iv) the Northern Gateway Pipeline, (v) the Energy East and Eastern Mainline Projects, (vi) the Site C dam, (vii) the Lower Churchill Hydroelectric Generation Project, (viii) Line 9B Reversal and Line 9 Capacity Expansion Project, (ix) other industrial or resource development projects; (b) how many Indigenous individuals have been identified by security agencies as potential threats to public safety or security, broken down by agency and province; (c) which indigenous organizations, and activist groups have been the subject of monitoring by Canadian security services, broken down by agency and province; (d) how many events involving Indigenous activists were noted in Government Operations Centre situation reports, broken down by province and month; (e) have any Canadian government agencies, including the Canadian Security Intelligence Service (CSIS), the Royal Canadian Mounted Police (RCMP), and the Canadian Border Services Agency (CBSA) been involved in tracking Canadians travelling to Standing Rock Indian Reservation (North and South Dakota, United States of America); (f) has there been any request by the Canadian government or any of its agencies to the United States government or any of its agencies to share information on the tracking of Canadians citizens engaging in demonstrations at the Standing Rock Indian Reservation; (g) what are the titles and dates of any inter-departmental or inter-agency reports related to indigenous protest activities; (h) how many times have government agencies shared information on indigenous protest activities with private sector companies, and for each instance, which companies received such information, and on what dates; (i) how many meetings have taken place between representatives of the Kinder Morgan Trans Mountain Expansion Project and (i) RCMP personnel, (ii) CSIS personnel; and (j) what are the answers for (a) through (i) for journalists, instead of for Indigenous individuals or organizations, and only if applicable?

REPLY / RÉPONSE

ORIGINAL TEXT
TEXTE ORIGINAL ☒

TRANSLATION
TRADUCTION ☐

Canadian Security Intelligence Service (CSIS)

(a) - (c) and (e) - (j):

Given its mandate and specific operational requirements, CSIS does not disclose details related to operational activity, such as subjects of investigation, operational exchanges or reports.

CSIS may only act within the bounds of the authorities set out in the CSIS Act; it is not a law enforcement agency. CSIS is authorized to collect information, to the extent strictly necessary,

on activities suspected of constituting a threat to the security of Canada. These threats are explicitly defined in section 2 of the *CSIS Act*, which explicitly excludes the investigation of lawful protest and dissent unless carried out in conjunction with activities that fall within the definition of threats to the security of Canada. With respect to information sharing and cooperation with partners, CSIS may only do so within the parameters of the *CSIS Act*.

Given the Service's mandate to identify and advise Government of threats to national security, any individual engaged in threat-related activities may be subject to lawful investigation, irrespective of identity, affiliation or profession. As such, there may be instances in which CSIS' lawfully authorized investigations come into contact with individuals associated with Canadian fundamental institutions, such as the media. Any investigation that affects a fundamental societal institution, such as the media, is subject to Ministerial Direction and rigorous operational policies.

In a 2009-2010 review, the Security Intelligence Review Committee recognized that CSIS had long exercised special care in the conduct of operations that affect - or even appear to affect - fundamental institutions. SIRC found that CSIS' fundamental institutions policy and its implementation were strong.

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INQUIRY OF MINISTRY DEMANDE DE RENSEIGNEMENT AU GOUVERNEMENT

PREPARE IN ENGLISH AND FRENCH MARKING "ORIGINAL TEXT" OR "TRANSLATION"
PRÉPARER EN ANGLAIS ET EN FRANÇAIS EN INDIQUANT "TEXTE ORIGINAL" OU "TRADUCTION"

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Réponse du Ministre de la Sécurité publique et de la Protection civile

L'honorable Ralph Goodale, C.P., député

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MINISTER OR PARLIAMENTARY SECRETARY
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QUESTION

En ce qui concerne les activités policières et de surveillance ciblant des journalistes et des militants autochtones depuis le 31 octobre 2015 : a) quels organismes de sécurité et autres organismes gouvernementaux ont participé à la surveillance d'activités militantes autochtones relativement (i) au mouvement Idle No More, (ii) à l'Enquête nationale sur les femmes et les filles autochtones disparues ou assassinées ou à d'autres événements publics autochtones, (iii) au projet d'agrandissement du réseau de Trans Mountain, (iv) pipeline Northern Gateway, (v) au projet Énergie Est et au projet de réseau principal Est, (vi) au barrage du site C, (vii) au projet hydroélectrique du Bas-Churchill, (viii) au projet d'inversion de la canalisation 9B et d'accroissement de la capacité de la canalisation 9, (ix) à d'autres projets industriels ou d'exploitation des ressources; b) combien d'Autochtones ont été identifiés par des organismes de sécurité comme menaces potentielles à la sécurité publique, ventilé par organisme et province; c) quelles organisations autochtones et quels groupes militants ont fait l'objet de surveillance par les services de sécurité canadiens, ventilé par organisme et province; combien d'activités auxquelles ont participé des militants autochtones ont été consignées dans des rapports de situation du Centre d'opérations du gouvernement, ventilé par province et par mois; e) des organismes gouvernementaux canadiens, notamment le Service canadien du renseignement de sécurité (SCRS), la Gendarmerie royale du Canada (GRC) et l'Agence des services frontaliers du Canada (ASFC), ont-ils participé à la surveillance de Canadiens s'étant déplacés vers la réserve indienne de Standing Rock (Dakota du Nord et Dakota du Sud, États-Unis); f) le gouvernement du Canada, ou n'importe lequel de ses organismes, a-t-il demandé au gouvernement des États-Unis, ou à n'importe lequel de ses organismes, de lui communiquer des renseignements sur la surveillance de citoyens canadiens participant à des manifestations à la réserve indienne de Standing Rock; g) quels sont les titres et les dates de tous les rapports produits par divers organismes ou divers ministères sur des activités militantes autochtones; h) combien de fois les organismes du gouvernement ont-ils communiqué de l'information sur des activités militantes autochtones à des entreprises privées dans chaque cas, quelles sont les entreprises qui ont obtenu l'information, et à quelles dates; i) combien de réunions ont eu lieu entre les représentants de Kinder Morgan pour le projet d'agrandissement du réseau de Trans Mountain et (ii) le personnel de la GRC, (iii) le personnel du SCRS; j) quelles sont les réponses aux éléments a) à i) pour les journalistes, plutôt que pour les Autochtones ou les organismes autochtones, le cas échéant?

REPLY / RÉPONSE

ORIGINAL TEXT
TEXTE ORIGINAL

TRANSLATION
TRADUCTION

X

Service canadien du renseignement de sécurité (SCRS)

De (a) à (c) et de (e) à (j)

Compte tenu de son mandat et de ses exigences opérationnelles précises, le SCRS ne divulgue pas de détails sur ses activités opérationnelles, par exemple sur les cibles, les échanges opérationnels ou les rapports.

Le SCRS n'est pas un organisme d'application de la loi et peut seulement agir conformément aux pouvoirs énoncés dans la *Loi sur le SCRS*. Il lui est permis de recueillir, dans la mesure strictement nécessaire, des informations sur les activités dont il existe des motifs de soupçonner qu'elles constituent une menace pour la sécurité du Canada. La définition de « menaces envers la sécurité du Canada » donnée à l'article 2 de la Loi exclut explicitement les activités licites de protestation ou de manifestation d'un désaccord qui n'ont aucun lien avec les activités définies comme des menaces. En outre, la *Loi sur le SCRS* circonscrit les activités d'échange d'information et de coopération avec des partenaires que peut mener le SCRS.

Puisque le SCRS a pour mandat de repérer les menaces pour la sécurité nationale et de conseiller le gouvernement à cet égard, quiconque mène des activités liées à la menace peut faire l'objet d'une enquête légale, peu importe son identité, son affiliation ou sa profession. Ainsi, il se peut que, dans le cadre d'enquêtes dûment autorisées, le SCRS ait eu des contacts avec des personnes liées à des institutions fondamentales de la société canadienne, comme les médias. Toute enquête ayant une incidence sur une telle institution est assujettie aux instructions du ministre et à des politiques opérationnelles rigoureuses.

Dans une étude réalisée en 2009-2010, le Comité de surveillance des activités de renseignement de sécurité a reconnu que le SCRS portait depuis longtemps une attention spéciale à ses opérations touchant, ou même semblant toucher, des institutions fondamentales. Le SCRS a aussi constaté qu'au sujet de ces institutions, le SCRS s'était doté d'une politique bien élaborée qu'il mettait en œuvre avec rigueur.

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INQUIRY OF MINISTRY DEMANDE DE RENSEIGNEMENT AU GOUVERNEMENT

PREPARE IN ENGLISH AND FRENCH MARKING "ORIGINAL TEXT" OR "TRANSLATION"
PRÉPARER EN ANGLAIS ET EN FRANÇAIS EN INDIQUANT "TEXTE ORIGINAL" OU "TRADUCTION"

QUESTION NO / N° DE LA QUESTION Q-630	BY / DE Mr. Dubé (Beloeil-Chambly)	DATE November 24, 2016
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Reply by the Minister of Public Safety and Emergency Preparedness
Réponse du Ministre de la Sécurité publique et de la Protection civile

The Honourable Ralph Goodale, P.C., M.P.

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REPLY / RÉPONSE

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TRANSLATION
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REPLY / RÉPONSE

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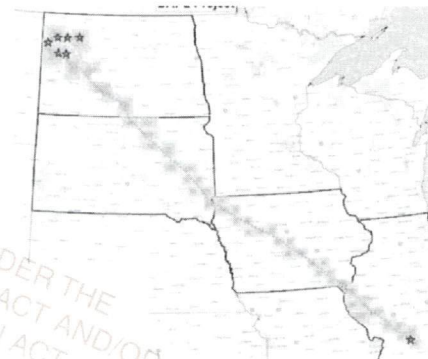
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Dakota Access Pipeline

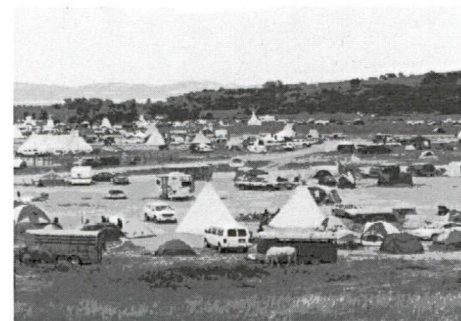
Background

Dakota Access, a subsidiary of American-owned Energy Transfer Crude Oil Company, is attempting to construct a pipeline (Dakota Access Pipeline (DAPL)) to transport approximately 570,000 barrels of crude oil from the Bakken/Three Forks play in North Dakota to Illinois. Construction of the 1,886 km long, \$3.8 billion dollar project began in early 2016 with an original estimated completion timeframe of later this year. The pipeline does not enter Canada.



The SRST argues that the pipeline, which would be constructed near their reservation, was inappropriately approved by the U.S. Army Corps of Engineers without their input, will destroy their sacred sites, and will threaten their water supply, which is drawn from the nearby Missouri River. The SRST filed an injunction in U.S. Federal Court in an attempt to stop construction of the pipeline. The court ruled against the SRST on September 9, 2016 but the Justice Department, Interior Department, and the US Army immediately ordered a pause on any construction in the most contentious area - pending a reconsideration of the approval process. As a result, the future of the pipeline project remains unclear.

In addition to the injunction, members of the SRST have created two protest camps near the proposed pipeline route: Sacred Stone and Red Warrior. Open source information suggests that the thousands of people who are regularly at the camps travelled from across the US, Canada, and around the world in order to show support.



The

SRST continues to receive strong support on social media and from a range of celebrities. More

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recently, the entire issue has reached mainstream American media and is increasingly discussed within the context of the upcoming presidential election.

While camp members claim to be non-violent, dozens of protestors have been arrested for trespass, mischief, assault, and vandalism near the SRST's reservation. Several violent clashes have occurred over the past month between protestors and law enforcement and private security guards.

There are significant state and local law enforcement resources on the ground as well as private security personnel. In advance of the U.S. Federal Court ruling, the Governor of North Dakota activated 100 National Guard troops to support law enforcement.

It is unknown if the DAPL will ever be completed,

Canadian Implications

Based on open information, there is strong Canadian Aboriginal support for the SRST as many see similarities to their own struggles against proposed pipeline construction in Canada (Northern Gateway, Pacific Trails, Energy East, etc.).

Media reports indicate that at least two Canadians have been arrested to date, and charged with offences including criminal trespass, disorderly conduct, and reckless endangerment. Open information suggests that Canadian Aboriginals and non-Aboriginals had planned on travelling to the camp this past weekend.

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Co-ordinated Sabotage in Support of Standing Rock¹ Canadian Implications

Background

As a result, open source information reported that the affected pipelines were non-operational for up to seven hours as a safety measure before restarting.



The individuals broke into five remote sites across four states (Washington, Montana, Minnesota, and North Dakota) in what mainstream media describes as an unprecedented, coordinated act of sabotage. CDA members widely publicized their actions in order to bring greater attention to their cause. Given the potential ramifications of the actions and implications for the security of critical infrastructure, a White House official claimed that both the US Departments of Homeland Security and Transportation are investigating. ¹

Members of the CDA claim that their acts of “non-violent direct action” were conducted as part of the broader International Days of Prayer and Action for Standing Rock. The CDA also published a letter to the President of the United States demanding that he “invoke the *National Emergencies Act* and continue the shutdown of the tar sands pipelines we have initiated, and

¹ Located in North Dakota, the Standing Rock Sioux Tribe and thousands of Aboriginal and non-Aboriginal supporters from across North America have formed three occupation camps along the route of the Dakota Access Pipeline, effectively preventing its' completion.

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immediately begin a process for federal closure of all US coal and tar sands oil extraction.”

One of the founders asserts that “...there is no plan of action, policy or strategy being advanced now by any political leader, climate action group or environmental organization playing by the rules that does anything but acquiesce to ruin. Our only hope is to step outside polite conversation and put our bodies and ourselves in the way. We must shut it down, starting with the most immediate threats; oil sands fuels and coal.”

Canadian Implications

Four of the CDA’s actions targeted Canadian-owned pipelines:
Enbridge (Lines 4 and 67), TransCanada (Keystone Pipeline)
and Spectra Energy Partners (Express Pipeline).